

23 MAG 6210

Approved: *Meredith Foster*
Meredith C. Foster
Assistant United States Attorney

Before: THE HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York

UNITED STATES OF AMERICA

v.

CHRISTOPHER SCOTT,

Defendant.

SEALED COMPLAINT

Violations of 18 U.S.C. § 922(g)(1)

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

EDGARDO BARBOT, being duly sworn, deposes and says that he is a Detective with the New York City Police Department (“NYPD”), and charges as follows:

COUNT ONE

(Possession of Ammunition After a Felony Conviction)

1. On or about August 6, 2023, in the Southern District of New York and elsewhere, CHRISTOPHER SCOTT, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed ammunition, to wit, one 9mm Luger shell casing, and the ammunition was in and affecting commerce.

(Title 18, United States Code, Section 922(g)(1).)

COUNT TWO

(Possession of a Firearm After a Felony Conviction)

2. On or about August 14, 2023, in the Southern District of New York and elsewhere, CHRISTOPHER SCOTT, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, to wit, one Springfield Armory, model XDS-9 MOD2 OSP 3.3, 9mm caliber semi-automatic pistol, and the firearm was in and affecting commerce.

(Title 18, United States Code, Section 922(g)(1).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Detective with the NYPD. This affidavit is based upon my conversations with law enforcement personnel, my review of security camera footage, my review of NYPD officer body camera footage, and my examination of NYPD reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

THE AUGUST 6, 2023 SHOOTING

4. Based on my review of NYPD reports and records and body camera footage, my review of surveillance footage, and my discussions with other law enforcement personnel, I have learned the following:

The Scene of the Shooting

a. On or about August 6, 2023, at approximately 10:27 p.m., a light-colored SUV (“Vehicle-1”) pulled up to the curb at or around 2420 Williamsbridge Road in the Bronx, near a deli and the Pelham Parkway Houses, and parked to the right of a minivan (“Vehicle-2”). Seconds later, an individual (the “Shooter”) exited the driver’s side of Vehicle-1 and another individual exited the passenger’s side of Vehicle-1 (the “Passenger”). The Shooter wore a dark t-shirt, a baseball hat, and pants with large white patterns down the legs.

b. As the Shooter and the Passenger approached an individual on the sidewalk (“Victim-1”), Victim-1 ran inside of the door of a building. The Shooter then discharged a firearm in the direction of Victim-1 at approximately 10:28 p.m. (the “Shooting”) and followed Victim-1 inside of the building.



The Shooter firing the firearm (circled in red)

c. Within seconds after following Victim-1 inside of the building, the Shooter left the building and walked onto the sidewalk. The Shooter then appeared to take an object out from

under his pants and then hide it under the right back wheel of Vehicle-2. Based on the closeness in time to the Shooting and the manner in which the Shooter handled the object, I believe that the object was the firearm used in the Shooting.

d. At approximately 10:29 p.m., the Shooter walked back to the driver's door of Vehicle-1. Around the same time, a NYPD vehicle arrived at the scene of the Shooting.

e. At approximately 10:30 pm, the Shooter, along with several other individuals, approached the NYPD vehicle. The Shooter then proceeded to pace around and to interact with the NYPD officers who had exited the NYPD vehicle.

f. At approximately 10:30 p.m., the body camera of one of the NYPD officers at the scene captured a video of a man pacing and speaking animatedly to the officers ("Individual-1"). In that video, Individual-1 is wearing a black t-shirt and jeans with spots resembling white flowers down the legs, and carrying a black baseball hat in his hand. Individual-1's clothing and movements are consistent with the movements and clothing of the Shooter on the surveillance footage. I therefore believe that Individual-1 is the same person as the Shooter.



Images of Individual-1 captured on NYPD body camera

g. The body camera of one of the NYPD officers also captured the license plate of a grey SUV that was parked to the right of a minivan at the scene of the shooting (as faced from the sidewalk on which the Shooting took place). The SUV has a Connecticut license plate with license plate number BJ18716. The location and appearance of the SUV is consistent with the position and appearance of Vehicle-1. I therefore believe that they are the same vehicle.

h. At approximately 10:31 p.m., the NYPD vehicle left the scene of the Shooting after NYPD officers were told by bystanders—incorrectly—that the shooter had fled on a moped or a scooter. The Passenger then walked to the right back tire of Vehicle-2. The Passenger proceeded to bend down and to pick up an object near the right back tire of Vehicle-2, in the same location that the Shooter previously appeared to deposit an object—likely the firearm used in the shooting—shortly after the Shooting. Based on the timing and the manner in which the Passenger handled the object, I believe that the object was the firearm that the Shooter used in the

Shooting. The Passenger then walked to and entered the passenger's seat of Vehicle-1. At approximately the same time, the Shooter entered the driver's seat of Vehicle-1 and Vehicle-1 left the scene of the Shooting.

NYPD Officers Recover Shell Casing

i. Upon canvassing the scene on the night of the Shooting, NYPD officers found a 9mm Luger caliber shell casing from a bullet in front of 2420 Williamsbridge Road, in approximately the location where the Shooter was standing when the Shooting occurred.

THE AUGUST 14, 2023 FIREARM POSSESSION

5. Based on my review of NYPD reports and records and my discussions with other law enforcement personnel, I have learned the following:

a. On or about August 14, 2023, at approximately 10:24 p.m., CHRISTOPHER SCOTT, the defendant, was arrested by the NYPD based on probable cause to believe that he had committed the Shooting, as set forth in an NYPD investigative card.

b. The vehicle that SCOTT was driving ("Vehicle-3") prior to his arrest was removed to the NYPD's 49th Precinct. During an inventory search of Vehicle-3, a Springfield Armory, model XDS-9 MOD2 OSP 3.3, 9mm caliber semi-automatic pistol (the "Firearm") with eight live rounds of ammunition in the magazine and one live round in the chamber was recovered under the driver's seat of the vehicle.



Firearm under the driver's seat of Vehicle-3

IDENTIFICATION OF CHRISTOPHER SCOTT AS THE SHOOTER

6. Based on my review of NYPD reports and records and my discussions with other law enforcement personnel, I have learned the following:

a. Vehicle-3 is a 2019 grey Jeep Cherokee, has a Connecticut license plate, and bears license plate number BJ18716. The license plate number and state, model, and color of Vehicle-3 are consistent with the license plate number and state, model, and color of Vehicle-1. I therefore believe that Vehicle-3, *i.e.*, the vehicle that SCOTT was driving when he was arrested, and Vehicle-1, *i.e.*, the vehicle that the Shooter was driving on the night of the Shooting, are the same vehicle.

b. Following his arrest, SCOTT answered questions from NYPD officers after being advised of, and waiving, his *Miranda* rights. SCOTT acknowledged that he was in the area of the Shooting at around the time of the Shooting and acknowledged that he was Individual-1 as depicted in a still image from NYPD body camera footage from the scene of the Shooting. SCOTT, however, denied taking out a firearm or firing a gunshot.

c. On or about August 22, 2023, the National Integrated Ballistic Information Network (“NIBIN”) of the Bureau of Alcohol, Tobacco, Firearms and Explosives conducted a correlation review of the shell casing found at the scene of the Shooting and the Firearm. NIBIN found a preliminary correlation between the shell casing and the Firearm, indicating that the firearm that conducted the Shooting was the same firearm found under the driver’s seat of Vehicle-3.

d. Accordingly, I believe that the Shooter is SCOTT and therefore that SCOTT used the Firearm to commit the Shooting. I also believe that SCOTT knowingly possessed the Firearm on August 14, 2023, at the time of his arrest.

e. This belief is further supported by my review of full body photographs of SCOTT taken after the time of his arrest. Based on my review of these photographs and surveillance footage of the Shooting, SCOTT has the same physical characteristics as both the Shooter and Individual-1.

MANUFACTURE OF AMMUNITION AND FIREARM AND FELON STATUS

7. Based on my discussions with a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives who is familiar with the manufacturing of firearms and ammunition, and who reviewed the shell casing evidence collected by the NYPD, I know that the shell casing recovered from the location of the Shooting was not manufactured in New York State.

8. Based on my discussions with a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives who is familiar with the manufacturing of firearms and ammunition, and who reviewed the Firearm collected by the NYPD, I know that the Firearm was not manufactured in New York State.

9. Based on my review of law enforcement and court databases, I know that on or about November 13, 2020, CHRISTOPHER SCOTT, the defendant, was convicted in the Supreme Court of the State of New York, Bronx County, of attempted criminal possession of a weapon in the second degree, in violation of New York Penal Law Section 265.03, which is a Class D felony that carries a maximum term of imprisonment of more than one year. On or about June 24, 2021, SCOTT was sentenced to 30 months' imprisonment in connection with this conviction.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of CHRISTOPHER SCOTT, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

S/ by the Court with permission

EDGARDO BARBOT

Detective

New York City Police Department

Sworn to me through the transmission of
this Complaint by reliable electronic
means (telephone), this 28th day of August, 2023.



THE HONORABLE ROBERT W. LEHRBURGER

United States Magistrate Judge

Southern District of New York